

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

HAROLD CRANE,

Petitioner,

FCHR Case No. 2013-00489

v.

DOAH Case No. 13-1197

MOUNT SINAI MEDICAL CENTER,

FCHR Order No. 13-052

Respondent.

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**FINAL ORDER DISMISSING PETITION FOR  
RELIEF FROM AN UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICE**

This matter is before the Commission for consideration of the Order Granting Respondent's Motion to Relinquish Jurisdiction, dated May 20, 2013, issued in the above-styled matter by Administrative Law Judge June C. McKinney.

Findings of Fact and Conclusions of Law

This case involves allegations of unlawful public accommodations discrimination.

The Administrative Law Judge interpreted the Commission's order in Mena, infra, to mean "once it has been established that a hospital is an entity licensed by [the Agency for Health Care Administration] (a fact clearly not in dispute in this proceeding), then there is no dispute of material fact remaining to be determined by the Division of Administrative Hearings..."

We conclude that the record as it exists before the Commission does not indicate that the Commission has jurisdiction of the matter.

Consequently, we conclude the matter should be dismissed. Accord, Mena v. Lifemark Hospitals of Florida, Inc., d/b/a Palmetto General Hospital, FCHR Order No. 12-023 (May 16, 2012), per curiam affirmed 109 So. 3<sup>rd</sup> 787 (Fla. 1<sup>st</sup> DCA 2013).

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Granting Respondent's Motion to Relinquish Jurisdiction.

Dismissal

The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this

Order is filed with the Clerk of the Commission. Explanation of the right of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 23rd day of July, 2013.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;  
Commissioner Lizzette Romano; and  
Commissioner Mario M. Valle

Filed this 23rd day of July, 2013,  
in Tallahassee, Florida.

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/s/  
Violet Crawford, Clerk  
Commission on Human Relations  
2009 Apalachee Parkway, Suite 100  
Tallahassee, FL 32301  
(850) 488-7082

Copies furnished to:

Harold Crane  
c/o Matthew W. Dietz, Esq.  
Law Offices of Matthew W. Dietz, P.L.  
2990 Southwest 35<sup>th</sup> Avenue  
Miami, FL 33133

Mount Sinai Medical Center  
c/o Martin B. Goldberg, Esq.  
Lash and Goldberg, LLP  
100 Southeast 2<sup>nd</sup> Street, Ste. 1200  
Miami, FL 33131

June C. McKinney, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 23rd day of July, 2013.

By: \_\_\_\_\_/s/\_\_\_\_\_  
Clerk of the Commission  
Florida Commission on Human Relations